



2022/0288(COD)

21.9.2023

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on International Trade

on the proposal for a regulation of the European Parliament and of the Council on import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast) (COM(2022)0480 – C9-0365/2022 – 2022/0288(COD))

Rapporteur for opinion: Emil Radev

(*) Associated committee – Rule 57 of the Rules of Procedure

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SHORT JUSTIFICATION

The implementation of effective import, export, and transit measures for firearms, their essential components, and ammunition, in accordance with Article 10 of the United Nations' Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, is of paramount importance. Illicit manufacturing and trafficking of firearms pose significant threats to public safety, security and stability, both within and across national borders.

By enacting robust import, export, and transit measures, we can enhance our ability to prevent, detect, and counteract these criminal activities, reducing the availability of illegal firearms in the hands of criminals and terrorist organizations. By establishing stringent controls, including effective licensing, marking, and record-keeping requirements, we can trace the movement of firearms and ensure that they are used only for authorized purposes. This will help prevent the diversion of legally acquired firearms into illicit markets and reduce the risk of their misuse for criminal activities or human rights abuses.

The amendments proposed by the rapporteur of this opinion aim to strengthen the report on these critical issues. Some of the main issues tackled by the rapporteur are the availability to interconnect the new electronic licencing system with any existing national system, so that all granted import and export authorisations are available in one central database; the strengthening of the personal data protection; the possibility to appeal competent authority's decisions in certain cases; as well as new provisions regarding the proof of receipt, for better traceability of firearms shipments.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on International Trade, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union, which refers to essential interests of the security of the Member States, nor has this

Amendment

(7) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union, which refers to essential interests of the security of the Member States, nor has this

Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council *or* Directive (EU) 2021/555 . Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council. ***In line with the administrative simplification procedures laid down in Articles 10 and 17 of this Regulation, Member States are required to implement the European Firearms Pass system, in accordance with*** Directive (EU) 2021/555. Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Amendment 2

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the Council²⁹ .

²⁸ Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (OJ L 115, 6.4.2021, p. 1).

²⁹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p.

Amendment

(13) Multiple definitions are directly copied from Directive (EU) 2021/555 of the European Parliament and the Council²⁸ or from Regulation (EU) No 952/2013 of the European Parliament and of the Council²⁹ . ***Any reference to firearms, their essential components, ammunition and alarm and signal weapons in this Regulation should be understood as including goods manufactured with the use of 3D-printing technology where the relevant definitions are fulfilled.***

²⁸ Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (OJ L 115, 6.4.2021, p. 1).

²⁹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p.

1).

1).

Amendment 3

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) To avoid risks of diversion while limiting the administrative burden, it is necessary to investigate suspicious situations in which Member States should request confirmation of receipt by the authorities of the third country of destination.

Amendment

(30) To avoid risks of diversion while limiting the administrative burden, it is necessary to investigate suspicious situations in which Member States should request confirmation of receipt by the authorities of the third country of destination. ***If that confirmation of receipt cannot be obtained for any reason, that information should be recorded in the electronic licensing system for future reference.***

Amendment 4

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation.

Amendment

(32) Member States should provide access to the European Criminal Records Information System (ECRIS) to the competent authorities for the purpose of the implementation of this Regulation, ***and they should have available the human and material resources needed for this task.***

Amendment 5

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In order to ensure the traceability of firearms, their essential components and

Amendment

(34) ***For the purpose of this regulation,*** in order to ensure the traceability of

ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

firearms, their essential components and ammunition, it is of the utmost importance that customs are granted access to the secure information exchange network application (SIENA) of Europol. ***This access should be limited and proportional for the purpose of fulfilling the obligations laid down in this regulation.*** Member States that apply the Regulation (EU) 2016/794 of the European Parliament and the Council³⁷ should grant this access.

³⁷ Council Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53–114)

Amendment 6

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking in firearms, their essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels

Amendment

(36) In order to facilitate the tracing of firearms and efficiently combat trafficking in firearms, their essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels. ***The improved and strengthened international cooperation through systematic sharing of information on arms trafficking routes, training of customs officials on firearms trafficking, and joint investigations and operations to disrupt illicit arms flows will help to combat illegal arms trafficking and other forms of transnational organized crime.***

Amendment 7

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, pursuant to which Member States are to submit each year by 31 July their national annual data for the preceding year on illegal trade in firearms, on the basis of the joint table for compiling statistics. In addition, the Commission recommended in the 2018 that Member States should collect detailed statistics of the

preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹.

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴¹ Commission recommendation (2018) 2197 final of 17.4.2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition

Amendment 8

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) The overall enforcement of this

Amendment

(41) The Schengen Acquis notably includes a Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms (SCH/Com-ex (99) 10)⁴⁰, pursuant to which Member States are to submit each year by 31 July their national annual data for the preceding year on illegal trade in firearms, on the basis of the joint table for compiling statistics. In addition, the Commission recommended in the 2018 that Member States should collect detailed statistics of the

preceding year about the number of authorisations, refusals, the quantities and values of firearms exports and imports, by origin or destination, and submit these statistics to the Commission⁴¹. ***The Commission should compile the data received by Member States and publish those data as part of an annual report by 31st of October each year. The report should be made public and submitted to the Parliament.***

⁴⁰ OJ L 239, 22.9.2000, p. 469–473

⁴¹ Commission recommendation (2018) 2197 final of 17.4.2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition

(42) The overall enforcement of this

Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system.

Regulation will be facilitated by the interconnection between the electronic licensing system established by this Regulation and the EU Single Window Environment for Customs established by [insert corresponding title and all the information in the footnote as soon as it is adopted]. The electronic licencing system will provide for a number of features, including registration of economic operators and natural persons, who are authorised according to the Firearms Directive to manufacture, acquire, possess or trade firearms, their essential components, ammunition or alarm and signal weapons. They will need to register ***in the electronic licencing system*** before they request import or export authorisations. Consequently, firearms owners benefitting from administrative simplifications will not be required to register in the system. ***Where national systems with the same or similar functionalities already exist, an interconnection between them and the electronic licencing system can be established, so that all granted import and export authorisations are available in one central database.***

Amendment 9

Proposal for a regulation Recital 42 a (new)

Text proposed by the Commission

Amendment

(42 a) The electronic license system should not be used for purposes outside of the scope of this Regulation.

Amendment 10

Proposal for a regulation Recital 47

(47) In order to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation **and** to maintain the list of firearms, their essential components, ammunition and alarm and signal weapons for which an authorisation is required under this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁴. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(47) In order to set out the technical characteristics of semi-finished firearms and essential components, to amend Annex II and III to this Regulation, to maintain the list of firearms, their essential components, ammunition and alarm and signal weapons for which an authorisation is required under **this Regulation, to specify the conditions for the import and export of goods regulated by this Regulation, to set out clear rules on the design of an EU-wide export certificate and to unify the way in which Member States provide statistical data to the Commission and in which they exchange information with each other as required by** this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87⁴³ and to Annex I to Directive (EU) 2021/555 and of setting out the technical characteristics of semi-finished firearms and essential components and of adapting Annex II and III to this Regulation to the digitalisation and changes in customs procedures, **of setting out the conditions for the import and export of firearms, their essential components and ammunitions, of establishing a uniform export certificate, of establishing the rules and format to be used by Member States for providing the Commission with anonymized statistical data and of establishing rules for the functioning of the exchange of information between Member States regarding refusals of import or export authorisations** should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down

in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴⁴. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁴³ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

⁴³ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

⁴⁴ OJ L 123, 12.5.2016, p. 1.

Amendment 11

Proposal for a regulation

Article 2 – paragraph 1 – point 49 a (new)

Text proposed by the Commission

Amendment

49 a. ‘personal data’ means personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679

Amendment 12

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Upon entry into the customs territory of the Union, alarm and signal weapons which do not comply with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 shall be classified as firearms pursuant to Annex I to this Regulation.

2. Upon entry into the customs territory of the Union, alarm and signal weapons which do not comply with the technical specifications referred to in Article 14 of Directive (EU) 2021/555 shall be classified as firearms pursuant to Annex I to this Regulation **and be subject to Article 6 of this Regulation.**

Amendment 13

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. In case of diverging national practices, the Commission shall adopt implementing acts establishing **a** list of non-convertible alarm and signal weapons. Those implementing acts shall be adopted in accordance with the committee procedure referred to in Article 37.

Amendment

4. In case of diverging national practices, the Commission shall adopt implementing acts establishing **an open** list of non-convertible alarm and signal weapons. Those implementing acts shall be adopted in accordance with the committee procedure referred to in Article 37.

Amendment 14

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Import authorisation shall be necessary for the import of a firearm, an essential component, ammunition and alarm and signal weapons into the customs territory of the Union. Such import authorisation shall be established in accordance with the form set out in Annex II, part I. Such authorisation shall be granted by the competent authorities of the Member State where the importer is established and shall be issued **by electronic means**, through the electronic licensing system referred to in Article 28.

Amendment

1. Import authorisation shall be necessary for the import of a firearm, an essential component, ammunition and alarm and signal weapons into the customs territory of the Union. Such import authorisation shall be established in accordance with the form set out in Annex II, part I. Such authorisation shall be granted by the competent authorities of the Member State where the importer is established and shall be issued through the electronic licensing system referred to in Article 28.

Amendment 15

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not

Amendment

4. Competent authorities shall process applications for import authorisations within a period of time, which shall not

exceed **60** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **90** working days.

exceed **50** working days, from the date on which all required information has been provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended to **80** working days.

Amendment 16

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 17

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28.

6. Competent authorities shall annul, suspend, modify or revoke an import authorisation if the conditions for granting it are not met or are no longer met. Where competent authorities take these decisions, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28, ***as soon as such decisions are taken and no later than two working days thereafter.***

Amendment 18

Proposal for a regulation

Article 9 – paragraph 7

Text proposed by the Commission

7. For the purpose of the paragraph 5, Member **States** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment

7. For the purpose of the paragraph 5, **the relevant authorities in each** Member **State** shall check the absence of a criminal record in the European Criminal Record Information System ‘ECRIS’ and if the firearm is reported as lost, stolen or under investigation in the relevant EU, national or international databases.

Amendment 19

Proposal for a regulation
Article 9 – paragraph 8

Text proposed by the Commission

8. The Commission shall adopt an implementing act to establish an Union general import authorisation **and setting out the conditions for the import of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013.** Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Amendment

8. The Commission shall adopt an implementing act to establish an Union general import **authorisation. That** implementing **act** shall be adopted in accordance with the advisory procedure referred to in Article 37(2).

Amendment 20

Proposal for a regulation
Article 9 – paragraph 9

Text proposed by the Commission

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for escorting **fees**.

Amendment

9. The importer shall not be required to pay a fee or charge for the application for an import authorisation, except for **fees for escorting the consignment**.

Amendment 21

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. Competent authorities may only grant export authorisations for firearms of categories A and B of Annex I if the application for such authorisation is accompanied by an **end-user** certificate delivered by the authorities of the country of final destination. Annex IV establishes the content of the **end-user** certificate.

Amendment

2. Competent authorities may only grant export authorisations for firearms of categories A and B of Annex I if the application for such authorisation is accompanied by an **export** certificate delivered by the authorities of the country of final destination. Annex IV establishes the content of the **export** certificate.

Amendment 22
Article 14 – paragraph 3

Text proposed by the Commission

3. ***The Commission shall adopt an implementing act to establish an uniform end-user certificate. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).***

Amendment

deleted

Amendment 23

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

6. ***Member States shall make use of electronic documents for the purpose of processing the applications for export authorisation.***

Amendment

deleted

Amendment 24

Proposal for a regulation
Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission shall adopt an implementing act to establish an Union general export authorisation ***and setting out the conditions for the export of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013. Those*** implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment

7. The Commission shall adopt an implementing act to establish an Union general export authorisation. ***That*** implementing ***act*** shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment 25

**Proposal for a regulation
Article 15 – paragraph 8**

Text proposed by the Commission

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for escorting ***fees***.

Amendment

8. The exporter shall not be required to pay a fee or charge for the application for an export or intra-EU transit authorisation, except for ***fees for*** escorting ***the consignment***.

Amendment 26

**Proposal for a regulation
Article 16 – paragraph 3**

Text proposed by the Commission

3. ***Firearms, their essential components and ammunition shall be exported provided that they are marked in accordance with Article 4 of Directive (EU) 2021/555.***

Amendment

deleted

Amendment 27

Proposal for a regulation

Article 17 – paragraph 1 – point c

Text proposed by the Commission

(c) The competent authorities of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent firearms, their essential components or ammunition from leaving the customs territory of the Union through that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to **30** working days.

Amendment

(c) The competent authorities of a Member State shall, for a period not exceeding 10 working days, suspend the process of export or, if necessary, otherwise prevent firearms, their essential components or ammunition from leaving the customs territory of the Union through that Member State, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 18 of this Regulation. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended by the competent authorities to **20** working days.

Amendment 28

Proposal for a regulation

Article 19 – paragraph 1 – subparagraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(i a) the applicant is a natural person who has been found to be mentally incapacitated to manage some or all of his or her affairs by a decision of a court or an independent administrative authority which is in effect at the time of lodging the application;

Amendment 29

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

Amendment

3. Where competent authorities

3. Where competent authorities

refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information available to the customs authorities through the electronic licensing system referred to in Article 28.

refuse, annul, suspend, modify or revoke an export authorisation, they shall make this information available ***without delay*** to the customs authorities through the electronic licensing system referred to in Article 28. ***That obligation to make information available is without prejudice to any appeals procedure which may be applicable under national law.***

Amendment 30

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. Where the competent authorities have suspended an export authorisation, their final assessment shall be communicated to the other Member States at the end of the period of suspension, through the electronic licensing system as referred to in Article 28.

Amendment

4. Where the competent authorities have suspended an export authorisation, their final assessment shall be ***without delay*** communicated to the other Member States at the end of the period of suspension, through the electronic licensing system as referred to in Article 28, ***as soon as such final assessment is made and no later than two working days thereafter.***

Amendment 31

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

5. Where the competent authorities have refused to grant an export authorisation, their final assessment shall be registered in the system referred to in Article 29.

Amendment

5. Where the competent authorities have refused to grant an export authorisation, their final assessment shall be ***without delay*** registered in the system referred to in Article 29, ***as soon as such final assessment is made and no later than two working days thereafter.***

Amendment 32

Proposal for a regulation

Article 19 – paragraph 6 – subparagraph 2

Text proposed by the Commission

They may first consult the competent authorities of the Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs 1, 3 and 5. If, following such consultation, the competent authorities of the Member State decide to grant an authorisation, they shall notify the competent authorities of the other Member States, providing all relevant information to explain the decision.

Amendment

They may first consult the competent authorities of the Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs 1, 3 and 5. If, following such consultation, the competent authorities of the Member State decide to grant an authorisation, they shall ***without delay*** notify the competent authorities of the other Member States, providing all relevant information to explain the decision.

Amendment 33

Proposal for a regulation

Article 19 – paragraph 8

Text proposed by the Commission

8. The competent authorities shall check annually that the conditions of authorisation are met throughout the duration of the authorisation. Such checks ***may*** be based on representative samples of all authorisations in force. Each export authorisation shall be individually verified at least every ***three*** years by the competent authorities. Member States shall report to the Coordination Group on the results of the checks and verifications. The reports shall be discussed in the Coordination Group established by Article 33.

Amendment

8. The competent authorities shall check annually that the conditions of authorisation are met throughout the duration of the authorisation. Such checks ***shall*** be based on representative samples of all authorisations in force. Each export authorisation shall be individually verified at least every ***two*** years by the competent authorities. Member States shall report to the Coordination Group on the results of the checks and verifications. The reports shall be discussed in the Coordination Group established by Article 33.

Amendment 34

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. Within **two months** after the exit of the customs territory of the Union, the exporter shall provide to competent authority that delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which shall notably be ensured by producing the relevant customs import documents.

Amendment

1. Within **one month** after the exit of the customs territory of the Union, the exporter shall provide to competent authority that delivered the export authorisation, proof of the receipt of the dispatched shipment of firearms, essential components or ammunition in the third country of import, which shall notably be ensured by producing the relevant customs import documents.

Amendment 35

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The competent authority shall upload the proof of receipt referred in in paragraph 1 of this Article into the electronic licensing system referred to in Article 28. Where the competent authority does not obtain a proof of receipt from the exporter, it shall record that information in that electronic licencing system.

Amendment 36

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **two months** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent authority shall immediately request from the customs authorities of export to confirm that the export declaration has

2. In the absence of such a proof of receipt of the dispatched shipments as referred to in paragraph 1 of this Article within **one month** after the exit of the customs territory of the Union, or in case of suspicion, Member States' competent authority shall immediately request from the customs authorities of export to confirm that the export declaration has

been lodged and that firearms, their essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

been lodged and that firearms, their essential components and ammunition as listed in Annex I have exited the customs territory of the Union, and , request the importing third country to confirm receipt of the dispatched shipment of firearms, their essential components or ammunition.

Amendment 37

Proposal for a regulation

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where the competent authority is unable to obtain a confirmation of receipt by the importing third country as set out in paragraph 2 of this Article, it shall record that information in the electronic licencing system referred to in Article 28.

Amendment 38

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission and competent authorities granting the export authorisation, ***in case of suspicion***, shall carry out post-shipment checks to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***end-user*** certificate as set out in Annex IV.

1. The Commission and competent authorities granting the export authorisation, shall carry out ***regular*** post-shipment checks, ***not only in case of suspicion but also randomly***, to ensure that the exported firearms, their essential components and ammunition are in line with the commitments made in the ***export*** certificate as set out in Annex IV.

Amendment 39

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. The Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

Amendment

1. The Commission, competent authorities and customs authorities shall cooperate closely and **regularly** exchange information ***to the extent that is necessary and proportionate for the performance of the tasks under their respective remits. Any information containing personal data shall be handled in accordance with Regulation (EU) 2016/679 and equivalent laws and regulations, as well as in respect of the Charter of Fundamental Rights of the European Union. The exchange of information shall be strictly limited to information relevant for this specific Regulation.***

Amendment 40

**Proposal for a regulation
Article 23 – paragraph 3**

Text proposed by the Commission

3. Where in relation to firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I that are either in temporary storage or placed under any customs procedure, customs authorities have reason to believe that those products are not compliant, they shall in addition to taking the necessary measures as described in Article 22 transmit all relevant information to the competent authorities.

Amendment

3. Where in relation to firearms, their essential components, ammunition and alarm and signal weapons listed in Annex I that are either in temporary storage or placed under any customs procedure, customs authorities have reason to believe that those products are not compliant, they shall in addition to taking the necessary measures as described in Article 22 transmit all relevant information ***without delay*** to the competent authorities.

Amendment 41

**Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 3**

Text proposed by the Commission

Customs authorities ***may*** suspend the

Amendment

Customs authorities ***shall*** suspend the

import of the goods for the customs procedure concerned, if they have certain doubts and in such a case, they shall inform through electronic means the competent national authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 10 working days, then the customs authority shall release the goods.

import of the goods for the customs procedure concerned, if they have certain **reasonable** doubts and in such a case, they shall inform **immediately**, through electronic means the competent national authority, which shall take the decision on the treatment of the goods. If the national competent authority does not reply to the customs authority within 10 working days, then the customs authority shall release the goods **without delay**.

Amendment 42

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Where customs authorities discovers an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment

Where customs authorities discovers an illicit shipment of firearms, their components, ammunition or alarm and signal weapons, they shall without delay **and no later than two working days from that discovery** inform the competent authority in the country of the customs authority thereof. That competent authority shall:

Amendment 43

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The customs authorities, which discovered the illicit shipment of firearms, their components and ammunition, shall seize the firearms, their essential components, ammunition or alarm and signal weapons until the competent authority of destination in the customs territory of the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs

Amendment

The customs authorities, which discovered the illicit shipment of firearms, their components and ammunition, shall seize the firearms, their essential components, ammunition or alarm and signal weapons until the competent authority of destination in the customs territory of the Union has decided otherwise and has communicated that decision in writing to the competent authority in the country of the customs

authority in which the illegal shipment of firearms, their components, ammunition or alarm and signal weapons is detained.

authority in which the illegal shipment of firearms, their components, ammunition or alarm and signal weapons is detained.

Where the competent authority of destination in the customs territory of the Union has taken such a decision, it shall communicate it to the customs authorities which discovered the illicit shipment, in writing no later than two working days from taking that decision.

Amendment 44

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. In case of suspicion of trafficking of firearms, their essential components, ammunition or alarm and signal weapons, the information related to firearms, their essential components and ammunition seized during customs controls shall be shared by the customs authority with the competent authorities referred to in Article 34(2) of this Regulation through Europol's Secure Information Exchange Network Application.

Amendment

2. In case of **reasonable** suspicion of trafficking of firearms, their essential components, ammunition or alarm and signal weapons, the information related to firearms, their essential components and ammunition seized during customs controls shall be shared by the customs authority with the competent authorities referred to in Article 34(2) of this Regulation through Europol's Secure Information Exchange Network Application, ***specifying the justification and evidence relating to the reasonable suspicion.***

Amendment 45

Proposal for a regulation Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

3. Seizure data shall include, ***if available***, the following information:

Amendment

3. Seizure data shall include, the following information:

Amendment 46

Proposal for a regulation

Article 25 – paragraph 3 – point g

Text proposed by the Commission

(g) the means of transport and the nationality of the transportation company or person, including as the case may be ‘container’, ‘lorry or van’, ‘personal vehicle’, ‘bus or coach’, ‘train’, ‘commercial aviation’, ‘general aviation’ or ‘postal freight and parcels’;

Amendment

(g) the means of transport and the nationality of the transportation company or person, including as the case may be ‘container’, ‘lorry or van’, ‘personal vehicle’, ‘bus or coach’, ‘train’, ‘commercial aviation’, ‘general aviation’ or ‘postal freight and parcels’, ***along with, where applicable, the registration number of the means of transport used;***

Amendment 47

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

1. In accordance with their national law ***or practice in force***, Member States shall keep, for not less than 20 years, all information relating to firearms and, their essential components and ammunition, which is necessary to trace and identify those firearms, their essential components and ammunition, and to prevent and detect trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including the unique marking referred to in Article 4 of Directive (EU) 2021/555 .

Amendment

1. In accordance with their national law, Member States shall keep, for not less than 20 years, all information relating to firearms and, their essential components and ammunition, which is necessary to trace and identify those firearms, their essential components and ammunition, and to prevent and detect trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including the unique marking referred to in Article 4 of Directive (EU) 2021/555 .

Amendment 48

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall confidentially submit ***via email*** to the Commission each year by 31 July, their national annual data for the preceding year on:

Amendment

1. Member States shall confidentially submit to the Commission each year by 31 July, their national annual data for the preceding year on:

Amendment 49

Proposal for a regulation

Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall compile the data received from the Member States in accordance with this Article and, in consultation with the Firearms Imports and Exports Coordination Group, submit to the European Parliament and the Council, by 31 October each year, an annual report on the implementation of this Regulation. That annual report shall be public. It shall include information on the number of authorizations and refusals, quantities and values of actual imports and exports of firearms, their essential components and ammunition by the categories and subcategories as listed in Annex I, by origin and by destination, at Union and at Member States level. It shall also include information on the quantity of undertaken national enforcement actions referred to in Article 32, the quantity and results of post-shipment checks and the allocated resources and staffing levels of national competent authorities tasked with the implementation and enforcement of this Regulation.

Amendment 50

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall adopt implementing acts establishing the rules and format to be used by Member States for providing the Commission with anonymised statistical data as referred to in paragraph 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

deleted

Amendment 51

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation.

The Commission shall ***without delay*** establish and maintain an electronic licensing system for import and export authorisations and decisions related to them pursuant to Articles 9 and 14 of this Regulation. ***Member States shall take all necessary measures to speed up the implementation of the electronic licensing system. All the functionalities of the licensing system shall be established by ... [five years after the adoption of this Regulation].***

Amendment 52

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating to processing of personal data and exchange of data with other IT systems. Those

2. The Commission shall, by means of implementing acts, establish rules for the functioning of the electronic licensing system, including rules relating exchange of data with other IT systems of Union bodies and Member State authorities

implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

competent for implementing this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37.

Amendment 53

Proposal for a regulation Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The processing of personal data within the electronic licencing system shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 54

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, in consultation with the Coordination Group established by Article 33, shall develop or chose a secure and encrypted system to ***support*** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations.

1. The Commission, in consultation with the Coordination Group established by Article 33, ***the European Parliament and the Council*** shall develop or chose a secure and encrypted system to ***guarantee*** direct cooperation and the exchange of information between Member States regarding refusals to grant import or export authorisations. ***The system shall be established by ... [two years after the adoption of this Regulation].***

Amendment 55

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall, by means

deleted

of implementing acts, establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2) of this Regulation.

Amendment 56

Proposal for a regulation Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The processing of personal data within the system developed or chosen pursuant to paragraph 1 shall be carried out in compliance with Regulation (EU) 2018/1725 or Regulation (EU) 2016/679, as applicable.

Amendment 57

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation, **notify them to the European Commission** and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment 58

Proposal for a regulation Article 34 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

By six months after the entry into force of this Regulation at the latest, each Member State shall inform the ***other Member States and the*** Commission of

Amendment

By six months after the entry into force of this Regulation at the latest, each Member State shall inform the Commission of

Amendment 59

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) the national authority ***in every Member State*** responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment

(a) the national authority responsible of the integral control of firearms and the coordination of the different authorities with competences in the fight against firearms trafficking (national firearms focal points);

Amendment 60

Proposal for a regulation

Article 34 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Based on that information, the Commission shall publish and update on its website a list of those authorities ***on a yearly basis***,

Amendment

Based on that information, the Commission shall publish and, ***in case of any change***, update on its website a list of those authorities,

Amendment 61

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. Upon request of the Coordination Group and in any event every ***10*** years, the Commission shall review the implementation of this Regulation and

Amendment

3. Upon request of the Coordination Group ***or the European Parliament*** and in any event every ***5*** years, the Commission ***on the basis of the annual implementation***

present a report to the European Parliament and the Council on its application, which may include proposals for its amendment. Member States shall provide the Commission with all appropriate information for the preparation of the report . The Commission shall publish a first interim application report by 5 years after the entry into force of this Regulation .

reports shall review ***in detail*** the implementation of this Regulation and present a report to the European Parliament and the Council on its application, which may include proposals for its amendment. Member States shall provide the Commission with all appropriate information for the preparation of the report . The Commission shall publish a first interim application report by 5 years after the entry into force of this Regulation .

Amendment 62

Proposal for a regulation

Article 35 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) set out the conditions for the import of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013;

Amendment 63

Proposal for a regulation

Article 35 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) establish a uniform export certificate;

Amendment 64

Proposal for a regulation

Article 35 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) set out the conditions for the export of firearms, their essential components and ammunitions by authorised economic operators for security and safety pursuant to Article 38(2), point (b), of Regulation (EU) 952/2013;

Amendment 65

Proposal for a regulation

Article 35 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) establish the rules and format to be used by Member States for providing the Commission with anonymized statistical data as referred to in Article 27;

Amendment 66

Proposal for a regulation

Article 35 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) and establish rules for the functioning of the exchange of information between Member States regarding refusals to grant import or export authorisations.

Amendment 67

Proposal for a regulation

Annex IV – subheading 1

Text proposed by the Commission

Amendment

End-user certificate

Export certificate

Amendment 68

Proposal for a regulation

Annex IV – paragraph 1 – introductory part

Text proposed by the Commission

The **end-user** certificate is to include at least the following information:

Amendment

The **export** certificate is to include at least the following information:

Amendment 69

Proposal for a regulation

Annex IV – paragraph 1 – point b

Text proposed by the Commission

(b) details of the **end-user** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **end-user** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **end-users**;

Amendment

(b) details of the **importer** (including name, address, business name and, if available, company registration number). In the case of export to a private company that resells the goods on a local market, that company will be regarded as the **importer** for the purposes of this Regulation. This shall not prevent Member States from evaluating licence applications that concern exports to resellers differently from licence applications concerning exports to **importers**;

Amendment 70

Proposal for a regulation

Annex IV – paragraph 1 – point f

Text proposed by the Commission

(f) signature, name and title of the **end-user**;

Amendment

(f) signature, name and title of the **importer**;

Amendment 71

Proposal for a regulation

Annex IV – paragraph 1 – point i

Text proposed by the Commission

- (i) the date of issue of the ***end-user*** certificate;

Amendment

- (i) the date of issue of the ***export*** certificate;

Amendment 72

Proposal for a regulation
Annex IV – paragraph 1 – point j

Text proposed by the Commission

- (j) if applicable, a unique identifying number or contract number relating to the ***end-user*** certificate;

Amendment

- (j) if applicable, a unique identifying number or contract number relating to the ***export*** certificate;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Import, export and transit measures for firearms, their essential components and ammunition, implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) (recast)
References	COM(2022)0480 – C9-0365/2022 – 2022/0288(COD)
Committee responsible Date announced in plenary	INTA 9.11.2022
Opinion by Date announced in plenary	LIBE 9.11.2022
Associated committees - date announced in plenary	16.3.2023
Rapporteur for the opinion Date appointed	Emil Radev 22.3.2023
Discussed in committee	28.6.2023
Date adopted	20.9.2023
Result of final vote	+: 54 –: 3 0: 6
Members present for the final vote	Abir Al-Sahlan, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Annika Bruna, Jorge Buxadé Villalba, Damien Carême, Patricia Chagnon, Clare Daly, Laura Ferrara, Nicolaus Fest, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Fabienne Keller, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Tomas Tobé, Yana Toom, Tom Vandendriessche, Anders Vistisen, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Delara Burkhardt, Loucas Fourlas, Anne-Sophie Pelletier, Bergur Løkke Rasmussen, Petar Vitanov, Charlie Weimers
Substitutes under Rule 209(7) present for the final vote	Pascal Arimont, Dacian Ciolos, Jarosław Duda, Thierry Mariani, Karen Melchior, Pina Picierno, Antonio Maria Rinaldi, Helmut Scholz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

54	+
ECR	Jorge Buxadé Villalba, Patryk Jaki, Vincenzo Sofo
ID	Antonio Maria Rinaldi
NI	Laura Ferrara
PPE	Pascal Arimont, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Karolin Braunsberger-Reinhold, Jarosław Duda, Loucas Fourlas, Jeroen Lenaers, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Dacian Cioloş, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Karen Melchior, Maite Pagazaurtundúa, Bergur Løkke Rasmussen, Yana Toom
S&D	Pietro Bartolo, Theresa Bielowski, Delara Burkhardt, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Pina Picierno, Isabel Santos, Birgit Sippel, Petar Vitanov, Elena Yoncheva
The Left	Konstantinos Arvanitis, Clare Daly, Anne-Sophie Pelletier, Helmut Scholz
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

3	-
ECR	Charlie Weimers
PPE	Sara Skyttedal, Tomas Tobé

6	0
ID	Annika Bruna, Patricia Chagnon, Nicolaus Fest, Thierry Mariani, Tom Vandendriessche, Anders Vistisen

Key to symbols:

+ : in favour

- : against

0 : abstention